IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3540 of 2004

FAKIRA
V/S
BOARD OF REVENUE AJMER & ORS.

Mr. SP SHARMA, for the appellant / petitioner

Date of Order : 24.8.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the impugned order.

It is not in dispute that after the petitioner's cancellation has become final by the judgment of this Court in writ petition no.2765/2000 decided on 20.9.01, the petitioner has not taken any proceeding to challenge that order. It is informed by learned counsel for the petitioner that identical order passed in case of private respondent was challenged by him further.

In that view of the matter, rather in view of the fact, that the cancellation of allotment of the petitioner, initially made, having become final, the petitioner cannot claim any right to challenge the allotment of that land to the private respondent, or to any other person, simply on the ground that notwithstanding the order of this Court dt. 20.9.01, he is continuing to be in actual physical possession of the land.

The another limb of argument advanced was that the position of private respondent, and the petitioner is identical, as both of them are pond-dem-oustees, and therefore, the petitioner also has a right to apply for restoration of his allotment. In my view, on the face of the order of this Court dt. 20.9.01, the contention cannot be accepted.

The next contention raised is that after the petitioner's allotment was cancelled, the land in possession of the petitioner cannot be treated to be the land, reserved for being allotted to pong-dem-oustees, and therefore, that land could not be allotted to the private respondents, rather even if the private respondent may be entitled to be allotted any land, that could be allotted to any other place, and not the land in possession of the petitioner. I do not find any legal authority in support of this proposition either.

The writ petition is, therefore, dismissed summarily.

tarun (N P GUPTA),J.